

CLIFFORD
CHANCE

MEMO ENDORSED

The Court HAS NO TIME
after this month. I start a
series of criminal trials, then a
medical leave. I believe I can
decide this on the
papers —

December 9, 2004

CLIFFORD CHANCE US LLP

31 WEST 52ND STREET
NEW YORK NY 10019 6131

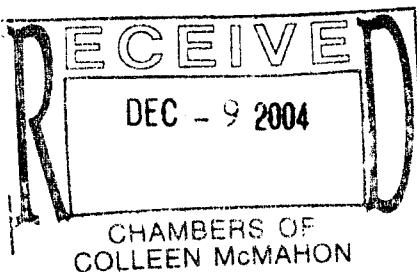
TEL +1 212 878 8000
FAX +1 212 878 8375
www.cliffordchance.com

Patrick L. Parker
Associate

DIRECT TEL +1 212 878 8488
DIRECT FAX
patrick.parker@cliffordchance.com

VIA FACSIMILE 914-390-4152

The Honorable Colleen McMahon
United States District Court
300 Quarropas Street, Room 533
White Plains, New York 10601-41



Re: *Leighton Technologies, LLC v. Oberthur Card Systems, S.A.*
Case No. 04 Civ. 02496 (CM)

Dear Judge McMahon:

We represent plaintiff *Leighton Technologies, LLC* in the above-referenced matter, in which Your Honor has scheduled a *Markman* hearing for December 20-21, 2004. We respectfully request that the Court adjourn the *Markman* hearing and re-schedule it for the latter part of January or early February, subject to the Court's schedule. We contacted counsel for Oberthur and attempted to obtain consent to this request but were informed that Oberthur would not agree to any proposed extension of time.

Our reasons for this request are as follows: Michael O'Shea, lead counsel for Leighton, recently left Clifford Chance. Mr. O'Shea's new firm will not be representing Leighton. Subsequent to Mr. O'Shea's departure, Leighton commenced representation discussion with the Washington, D.C. office of Sutherland, Asbill & Brennan LLP. Leighton is in the process of finalizing a retention agreement with Sutherland and we expect this to be concluded within the next day. Upon finalization of the agreement, Robert Gutkin and Blair Jacobs, both of Sutherland, will promptly enter their appearances.

It is our understanding that the Sutherland firm has agreed to assume lead counsel role in this matter and will require limited additional time (a few weeks) to gain familiarity with the issues surrounding the parties' claim construction positions. Moreover, Mr. Gutkin and Mr. Jacobs also have a previously scheduled patent infringement trial in Delaware (*Ciena Corp. v. Corvis*, Civil Act. 00-662), commencing on January 19 for which they are currently preparing for. The trial should last a few days at most.

DOCUMENT

ELCTRONICALLY FILED
NYA 703866.1

DOC #:

DATE FILED:

Copies mailed / handed / faxed to counsel 1/10/04

C L I F F O R D
C H A N C E

CLIFFORD CHANCE US LLP

The Honorable Colleen McMahon
December 9, 2004

Page 2

We are advising the Court of the change in the representation of Leighton in this matter because of the upcoming *Markman* hearing. In light of the change of counsel and the need for new counsel to adequately familiarize themselves with the record, plaintiff Leighton respectfully requests adjournment of the previously scheduled *Markman* hearing and a brief extension until late January or early February. This should not prejudice Oberthur, as counsel for Leighton has offered to amicably resolve scheduling issues in a manner that would address any concerns that Oberthur may have about potential delay, including an offer to expedite discovery.

We respectfully request a brief five minute scheduling conference with the Court on December 13, subject to the Court's availability and convenience, to address this issue. Please do not hesitate to contact me at (212) 878 8488 if you have any questions.

Very truly yours,



Patrick L. Parker

cc: James D. Jacobs, Esq. (via facsimile)
Blair M. Jacobs, Esq. (via facsimile)
Robert A. Gutkin, Esq. (via facsimile)